



THE ATTORNEY GENERAL  
OF TEXAS

JOHN L. HILL  
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

October 11, 1973

Edward A. Cazares  
First Assistant City Attorney  
City of Houston Legal Department  
Post Office Box 1562  
Houston, Texas 77001

Open Records Decision No. 5

Dear Mr. Cazares:

On September 19, you sent this office a request for a determination under the Open Records Act (House Bill 6) as to public disclosure "of an appraisal study of the tangible and intangible assets of Rapid Transit Lines, Inc., which was prepared by Wilbur Smith and Associates for the City of Houston." On October 3, we received from your office copies of requests for the release of this appraisal study from Leonel J. Castillo, City Controller, and Stephen Edwards of the Houston Branch of the Black Panther Party.

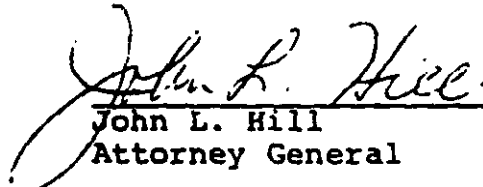
While you did not cite a particular exception which you believed protected this information from public disclosure, we have determined that the language in Section 3 (5) of House Bill 6 concerning "information pertaining to appraisals" was intended to protect an appraisal study prepared for a governmental body in contemplation of the purchase of real or personal property, at least until the transaction was either completed or aborted. Also, we think it germane in interpreting over-all legislative intent on this matter to point out the language of Section 2(f) of House Bill 3, in which the 63rd Legislature revised the Open Meetings Act:

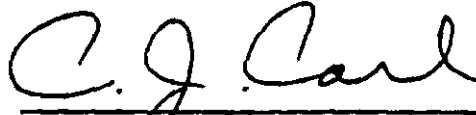
"The public may be excluded from that portion of a meeting during which a discussion is had with respect to the purchase, exchange, lease or value of real property, negotiated contracts for prospective gifts or donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the governmental body as between such body and a third person, firm or corporation." (Emphasis added)

Edward A. Cazares  
October 11, 1973  
Page Two

You have advised us that "this study was prepared for the use by the City of Houston staff in negotiations for the possible purchase by the City of Houston of the Rapid Transit Lines, Inc....". If the appraisal study by Wilbur Smith and Associates is still the basis for good faith negotiations regarding the purchase by the City of Houston of the Rapid Transit Lines system, it can be withheld at least until such negotiations are completed or aborted. Since your receipt of this study is of relatively recent origin and since you advise us it is being used by the City as a basis for negotiations for which there is still a continuing possibility of success, the study can be withheld under exception number 5 mentioned above.

Sincerely,

  
John L. Hill  
Attorney General

  
C. J. Carl  
Staff Legislative Assistant

jfr